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**PATENT**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**(beaven01.001)**

5    **Applicant:**                    Douglas F. Beaven                    **Paper No.:**  
  
      **Application No:**        09/312,740                    **Group Art Unit:** 2986  
  
      **Filed:**                    5/14/99                    **Examiner:** Heck, Michael

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**Title:** *Processing management information*

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Commissioner for Patents  
15    Alexandria, VA 22313-1450

**Declaration under 37 C.F.R. 1.132**

- 20    1. I, Mike Heck, am presently a Contributing Editor for InfoWorld. My address is 1104 Continental Dr., Harleysville, PA 19438-3931.
2. In 1993, I was a member of the InfoWorld Review Board, which did product reviews and comparisons.
- 25    3. I am the author of a review of project management software titled "High-end project managers" which appeared in the February 1, 1993 issue of InfoWorld, beginning at page 59 (henceforth "the Review"). Among the project managers which I tested for the Review was Open Plan 4.0.
4. I understand from the Assignee of the above patent application that the description of Open Plan 4.0 in the Review was used by a patent examiner as a basis for rejecting certain claims in the above application.
- 30    5. I also understand that the rejection was based on the following language from my review: "Open Plan's flexible coding structure breaks down project costs by either a work breakdown structure (WBS) or organizational breakdown structure (OBS)" (InfoWorld Feb. 1, 1993, p. 62, col. 2, third paragraph up from the bottom) and that the examiner is interpreting this language as meaning that in Open Plan 4.0 a code for
- 35    a cost might simultaneously belong either to a WBS or an OBS.
- 40    6. The examiner's interpretation of the quoted language is in error. In testing Open Plan 4.0, I determined that Open Plan 4.0 permitted users to associate costs with, and thereby arrange them using either the WBS or the OBS, but did not permit users to use both schemes to arrange the same set of costs at the same time. The quoted language merely set forth that either the WBS or the OBS could be used to arrange costs and was not intended to imply that both schemes could be used to arrange the same set of costs at the same time.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Respectfully submitted,



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Mike Heck

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8/30/2005

Date

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